



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

*Am*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,760	06/08/2000	Keith A. Lowery	066241.0104	9892

7590 06/01/2005

Kevin J Meek Esq  
Baker Botts LLP  
2001 Ross Avenue  
Dallas, TX 75201-2980

EXAMINER

SHINGLES, KRISTIE D

ART UNIT PAPER NUMBER

2141

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/590,760

Applicant(s)

LOWERY ET AL.

Examiner

Kristie Shingles

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10-16 and 18-29 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-16 and 18-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

*Applicant has amended claims 1, 24 and 27. Claims 9 and 17 have been canceled. Claims 1-8, 10-16 and 18-29 are pending.*

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1, 24 and 27 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims **1-8, 10-16 and 18-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Snowdon et al* (USPN 6,671,737) in view of *Lambert et al* (USPN 6,038,601).

- a. **Per claim 24**, *Snowdon et al* teach a method for providing efficient data access service comprising:

- subscribing an origin server to a data center (Abstract, col.3 line 13-col.4 line 57 and col.11 line 66-col.12 line 31);

Art Unit: 2141

- routing a data request from a browser to the data center, the data request requesting a dynamic content item and having an associated address indicating the origin server (col.10 line 44-col.11 line 64);
- receiving at a data center manager, before expiration of the dynamic content item, a data change message from a trigger associated with the dynamic content item (col.10 lines 15-52, col.13 line 35-col.14 line 60 and col.15 lines 8-58; provision for triggers associated with data changes);
- generating an expiration command at the data center manger in response to the data change message (col.10 lines 15-67, col.13 line 35-col.14 line 60 and col.15 lines 8-58; provision for expiry state and expiration indications made in response to data changes);
- receiving the expiration command from the data center manager (col.6 lines 5-19, col.10 lines 15-67, col.13 line 35-col.14 line 60 and col.15 lines 8-58);
- updating an expiration time of the dynamic content item in accordance with the expiration command (col.10 lines 53-67 and col.11 line 66-col.12 line 31);
- determining whether the dynamic content item is available at the data center according to the expiration time of the dynamic content item (col.13 line 3-col.14 line 66 and col.15 line 8-col.16 line 34).

Yet *Snowdon et al* fail to explicitly teach specific use of a browser in addition to: generating the dynamic content item at the origin server when the dynamic content is unavailable at the data center; retrieving the dynamic content item from the origin server when the content item is unavailable at the data center; and communicating the dynamic content into the browser. However, *Lambert et al* disclose retrieving content from the source machine when it is unavailable in the cache server and communicating the content via a web browser (col.5 lines 40-60, col.6 lines 45-55, col.7 lines 45-60, col.8 lines 45-56, col.23 line 63-col.24 line 14 and col.32 lines 3-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Snowdon et al* and *Lambert et al* for the purpose

Art Unit: 2141

of generating expiration indications pertaining to the content while provisioning retrieval of the content from the source when the content at the server is either unavailable or not up-to-date and implementing usage of a browser for communicating the requests and content in the system; because it provides a modification to the data access services of the system by allowing for access to the original source when the content of a server is unavailable.

b. **Claims 1 and 27** contain limitations that are substantially equivalent to claim 24 and are therefore rejected under the same basis.

c. **Per claim 2**, *Lambert et al* teach the method for processing data according to Claim 1 further comprising: receiving a data request at the cache server from a remote computer, the data request requesting data from the cache server; determining whether the requested data is available at the cache server; retrieving the requested data from an origin server when the requested data is unavailable; and communicating the requested data from the cache server to the remote computer (col.5 lines 40-60 and col.32 lines 3-26).

d. **Per claim 3**, *Lambert et al* teach the method for processing data according to Claim 2 wherein the data comprises a web page and further comprising generating the web page at an origin server (col.1 lines 16-20 and col.5 line 40-col.6 line 5).

e. **Per claim 4**, *Lambert et al* teach the method for processing data according to Claim 3, wherein generating the web page comprises generating the web page based on the data request (col. 1 lines 16-20 and 27-31).

f. **Per claim 5**, *Lambert et al* teach the method for processing data according to Claim 2, wherein determining whether the requested data is available comprises: determining whether the requested data is present at the cache server; and determining whether the requested

Art Unit: 2141

data is current when the requested data is present at the cache server (col.5 lines 56-60 and col.12 lines 49-55).

g. **Per claim 10**, *Lambert et al* teach the method for processing data according to Claim 1 further comprising generating the expiration command at the data center manager in response to the elapsing of a predetermined period of time (col.12 lines 50-52).

h. **Per claim 11**, *Lambert et al* teach the method for processing data according to Claim 1, wherein generating the expiration command comprises: detecting a change in the data associated with the origin server by a trigger associated with the data', generating a data change command indicating at least one changed item of content; and communicating the data change command to the data center manager (col. 7 lines 55-58 and col.32 lines 12-18).

i. **Per claim 12**, *Lambert et al* teach the method for processing data according to Claim 1, wherein marking the data as expired comprises receiving the expiration command from the data center manager and determining the data to expire as a function of the expiration command (col.7 lines 52-58).

j. **Per claim 13**, *Lambert et al* teach the method for processing data according to Claim 12, wherein the expiration command expires a single web page (col.12 lines 50-52).

k. **Per claim 14**, *Lambert et al* teach the method for processing data according to Claim 12, wherein the expiration command expires a plurality of web pages (col. 7 lines 52-58).

l. **Per claim 15**, *Lambert et al* teach the method for processing data according to Claim 12, wherein the expiration command expires a plurality of web pages at a plurality of web sites (col.7 lines 52-58).

m. **Per claim 16**, *Lambert et al* teach the method for processing data according to Claim 12, wherein the expiration command expires a plurality of web pages at a plurality of domains (col.7 lines 52-58).

n. **Per claim 18**, *Lambert et al* teach the method for processing data according to Claim 1, wherein the data comprises a web page using the hypertext markup language (col.1 lines 16-20).

o. **Per claim 19**, *Lambert et al* teach the method for processing data according to Claim 1, wherein the expiration command comprises an Internet Cache Synchronization Protocol command (col.8 lines 31-35 and 53-56).

p. **Per claim 20**, *Lambert et al* teach the method for processing data according to Claim 19, wherein the expiration command comprises an Internet Cache Synchronization Protocol terse command and further including generating the expiration command at the data center manager in response to an Internet Cache Synchronization Protocol verbose command (col.7 lines 53-58, col. 8 lines 31-35 and 53-56).

q. **Per claim 21**, *Lambert et al* teach the method for processing data according to Claim 1, wherein the data has an associated request element identifying the data, the request element having a first portion and a second portion distinct from the first portion and wherein receiving data at the cache server comprises: filtering the first portion of the request element based on predetermined criteria associated with an origin server associated with the data; and identifying the data based on the second portion of the request element (col.5 lines 51-60).

r. **Per claim 22**, *Lambert et al* teach the method for processing data according to Claim 21 further comprising: receiving a request at the cache server, a first portion of the

Art Unit: 2141

request being distinct from the first portion of the request element and a second portion of the request being substantially similar to the second portion of the request element; and retrieving the data as a function of the second portion of the request and the second portion of the request element (col. 5, lines 51 -60).

s. **Per claim 23**, *Lambert et al* teach the method for processing data according to Claim 22, wherein the request element comprises a uniform resource locator and the request comprises a uniform resource locator (col.9 lines 59-60).

t. **Per claim 25**, *Lambert et al* teach the method for providing efficient data access service according to Claim 24, wherein subscribing the origin server comprises transferring domain name resolution service to the data center and wherein routing the data request comprises resolving the address associated with the origin server (col.4 lines 17-19 and 30-34 and col.23 line 67-col. 24 line 1).

u. **Per claim 26**, *Lambert et al* teach the method for providing efficient data access service according to Claim 24, wherein determining whether the dynamic content item is available comprises: determining whether the dynamic content item is present at the data center; and determining whether the dynamic content item is current when the content item is present at the data center (col.5 lines 56-60 and col.12 lines 49-55).

v. **Per claim 28**, *Lambert et al* teach the system for processing data according to Claim 27, wherein the data center comprises a web server and a cache server (col.5 lines 9-60). *Lambert et al*, however, fail to distinctly teach a flow control server. However, *Snowdon et al* discloses use of a server achieving the functionality of a flow control server (col.4 lines 30-47,



Art Unit: 2141

col.5 line 62-col.6 line 36, col.9 line 38-col.10 line 12, col.11 line 66-col.12 line 31 and col.15 line 8-col.17 line 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Snowdon et al* and *Lambert et al* for the purpose of providing a flow control server in the data access communication system in order to offload the processing duties and decentralizing the information in the network system.

w. **Claims 6, 7 and 29** are substantially similar to claim 28 and are therefore rejected under the same basis.

x. **Per claim 8**, *Lambert et al* and *Snowdon et al* teach the method for processing data according to Claim 7, *Snowdon et al* further teach the method wherein determining whether to grant permission comprises: granting permission to the cache server when the current load is below a predetermined threshold; and denying permission to the cache server when the current load exceeds the predetermined threshold (col.7 line 11-col.8 line 67, col.11 line 31-col.12 line 45 and col.15 line 8-col.17 line 21).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Zhang et al* (USPN 6,553,409), *Stakutis et al* (USPN 6,658,417), *Challenger et al* (USPN 6,618,751), *Berstis et al* (USPN 6,510,458) and *Donoho et al* (USPN 6,356,936).

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2141

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information Per the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Kristie Shingles*  
Examiner  
Art Unit 2141

kds



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER